

1 GEORGE A. RILEY (Bar No. 118304)  
griley@omm.com  
2 MICHAEL F. TUBACH (Bar No. 145955)  
mtubach@omm.com  
3 CHRISTINA J. BROWN (Bar No. 242130)  
cjbrown@omm.com  
4 O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Floor  
5 San Francisco, CA 94111-3823  
Telephone: (415) 984-8700  
6 Facsimile: (415) 984-8701

7 Attorneys for Defendant Apple Inc.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12  
13 IN RE HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

14  
15 THIS DOCUMENT RELATES TO:  
16 ALL ACTIONS

**DECLARATION OF CHRISTINA BROWN  
IN SUPPORT OF DEFENDANTS' JOINT  
MOTION TO EXCLUDE THE EXPERT  
TESTIMONY OF EDWARD E. LEAMER,  
PH.D**

17 Date: March 20, 2014 and  
18 March 27, 2014  
19 Time: 1:30 p.m.  
Courtroom: 8, 4th Floor  
20 Judge: The Honorable Lucy H. Koh  
21  
22  
23  
24  
25  
26  
27  
28

1 I, Christina Brown, declare as follows:

2 1. I am a member of the Bar of the State of California and a counsel of the law firm  
3 of O'Melveny & Myers LLP, attorneys for Defendant Apple Inc. I submit this declaration in  
4 support of Defendants' Joint Motion to Exclude the Expert Testimony of Edward E. Leamer,  
5 Ph.D. I make this declaration based on my own personal knowledge. If called to testify as a  
6 witness, I could and would do so competently.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of transcript excerpts from  
8 the deposition of Dr. Edward Leamer taken October 26, 2012.

9 3. Attached hereto as Exhibit 2 is a true and correct copy of transcript excerpts from  
10 the deposition of Dr. Edward Leamer taken on June 11, 2013.

11 4. Attached hereto as Exhibit 3 is a true and correct copy of transcript excerpts from  
12 the deposition of Dr. Edward Leamer taken on November 18, 2013.

13 5. Attached hereto as Exhibit 4 is a true and correct copy of transcript excerpts from  
14 the deposition of Dr. Edward Leamer taken on December 19, 2013.

15 6. Attached hereto as Exhibit 5 is a true and correct copy of the Initial Class  
16 Certification Expert Report of Edward E. Leamer, Ph.D., dated October 1, 2012.

17 7. Attached hereto as Exhibit 6 is a true and correct copy of the Reply Expert Report  
18 of Edward E. Leamer, Ph.D., dated December 10, 2012.

19 8. Attached hereto as Exhibit 7 is a true and correct copy of the Supplemental Expert  
20 Report of Edward E. Leamer, Ph.D., dated May 10, 2013.

21 9. Attached hereto as Exhibit 8 is a true and correct copy of the Initial Merits Expert  
22 Report of Edward E. Leamer, Ph.D., dated October 28, 2013.

23 10. Attached hereto as Exhibit 9 is a true and correct copy of the Reply Expert Report  
24 of Edward E. Leamer, Ph.D., dated December 11, 2013.

25 11. Attached hereto as Exhibit 10 is a true and correct copy of an excerpt from Dr.  
26 Leamer's book *Specification Searches: Ad Hoc Inference with Nonexperimental Data* (1978).

27 12. Attached hereto as Exhibit 11 is a true and correct copy of transcript excerpts from  
28 the deposition of Deborah Conrad taken on November 21, 2012.

13. Attached hereto as Exhibit 12 is a true and correct copy of transcript excerpts from the deposition of Ranna Prajapati taken on February 21, 2013.

14. Attached hereto as Exhibit 13 is a true and correct copy of a document produce by Google that has been Bates numbered GOOG-HIGH-TECH-00000076 through GOOG-HIGH-TECH00000077.

15. Attached hereto as Exhibit 14 is a true and correct copy of a document produce by Google that has been Bates numbered GOOG-HIGH-TECH-00057353 through GOOG-HIGH-TECH00057354.

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on January 9, 2014, in San Francisco, California.

/s/ Christina J. Brown  
Christina J. Brown

OMM\_US:72017657.1